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ABSTRACT

The State has primary responsibility for public education. It should be the priority for each State legislature, State Board of Education, and chief State school officer to consider what methods can be employed to meet equal opportunity/ desegregation standards, to devise and implement strategies to overcome deficiencies, and, thereby, to assure the educational rights of all students. The State Education Agency (SEA) is in a position to define desegregation, to include educational outcomes expected, and to adopt programs to effectively implement its goals and objectives. The SEA must also, by policy and example, set standards for affirmative action programs in employment for local school districts. In addition, the historical reasons for the limited role of the States in desegregation have become less and less valid, and a new State/Federal partnership is a pressing need. States must demonstrate the ability to coordinate and implement desegregation and equal opportunity as well as the commitment to doing so. The Federal government should in turn permit States which demonstrate both ability and commitment the opportunity to enforce Federal desegregation programs within those States. (Author/EB)

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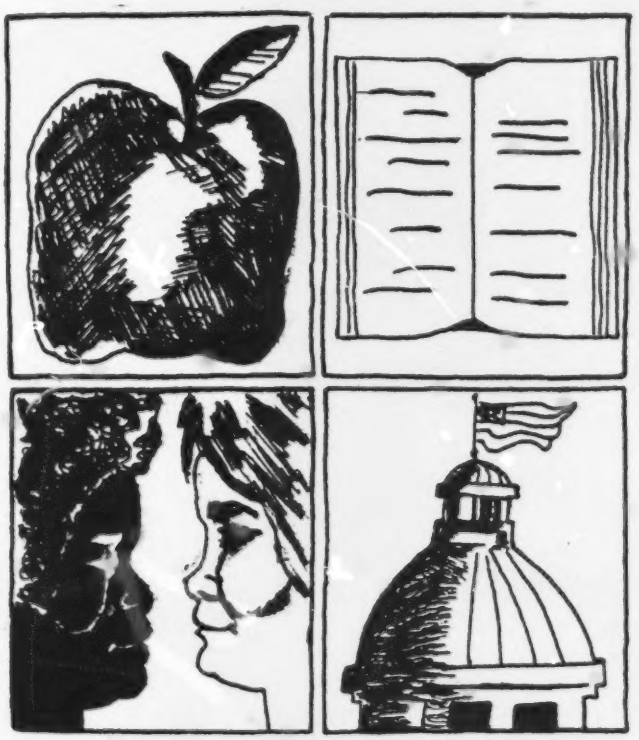
# State Planning to Achieve Successful Desegregation

## A Conference Report of State Equal Educational Opportunity Directors

September 7-8, 1978
Education Commission of the States
Denver, Colorado



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Mary Rashman
Nat. Proj. & Task Force on Desegregation Strategies

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This conference was jointly sponsored by the National Project and Task Force on Desegregation Strategies and the Colorado State Department of Education.

*The National Project and Task Force on Desegregation Strategies was launched in August 1977. The project is jointly sponsored by the Education Commission of the States, the National Association of State Boards of Education and the Council of Chief State School Officers. The National Task Force on Desegregation Strategies, chaired by Francis Keppel, Director, Aspen Institute for Humanistic Studies and former U.S. Commissioner of Education, is the policy-making arm of the project. The Task Force is charged with the responsibility of identifying issues for study and of proposing policies for state use.*

*The general purpose of the project is to encourage the states to promote desegregation and to aid them in their efforts to provide equal educational opportunity. The work of the project is supported by the Ford Foundation, the National Institute of Education and the U.S. Office of Education.*

*The project operates under the supervision of the Department of Elementary/Secondary Education, Education Commission of the States, Homer O. Elseroad, Director.*

*For further information contact: Ben Williams, Director, National Project and Task Force on Desegregation Strategies, Education Commission of the States, Suite 300, 1860 Lincoln Street, Denver, Colorado 80295. Phone: (303) 861-4917.*

**Project Staff:**

Ben Williams, Director
Mary Rashman, Research Associate
Denise Green, Project Services Coordinator
Sherry Atencio, Project Secretary

**Representatives of the Sponsoring Agencies**

Wesley Apker
Executive Director
National Association of State
Boards of Education
526 Hall of the States
444 N. Capitol Street, NW
Washington, D.C. 20001

Homer Elseroad
Director
Elementary/Secondary Department
Education Commission of the States
1860 Lincoln Street, Suite 300
Denver, Colorado 80295

Bill Israel
Director of Special Projects
Council of Chief State School Officers
Hall of the States
400 N. Capitol Street, NW
Washington, D.C. 20001

*The views expressed herein do not necessarily represent those of the project's sponsoring or funding agencies.*

## FOREWORD

In September 1978, equal educational opportunity representatives from thirty-four states assembled at the Education Commission of the States in Denver, Colorado. The purpose of the meeting was to arrange a forum for equal educational opportunity directors to discuss common problems and possible strategies for states to exercise their responsibility in providing for desegregated opportunities. The meeting, the first of its kind, was co-sponsored by the Colorado State Department of Education and the National Project and Task Force on Desegregation Strategies.

The outcomes of the meeting are contained in this report. In the aggregate, these guidelines form a framework which states are already beginning to build to demonstrate state commitment and leadership. More and more, states are realizing that successful desegregation at the local level can be assisted constructively by comprehensive state planning. The federal government has a responsibility. But the states hold the best strategic position from which to influence and guide educational change.

Dr. Calvin Frazier, Colorado Commissioner of Education, was one of the persons who addressed the Denver meeting. The Commissioner suggested that the states should place local efforts in a state-wide context. He noted the increased attention given to achieving quality education and the emphasis upon the school and the principal. He pointed out that an opportunity exists for states to ride the crest of the wave on quality and that desegregation should be placed in the context of the current emphasis on quality.

Dr. Homer Elseroad, Director, Department of Elementary and Secondary

Education, Education Commission of the States, who also addressed the group, stated that public attitudes on the acceptance of desegregation have improved drastically. He pointed out that this attitudinal acceptance may mean that increased action by states toward desegregation and equity in education would meet with less resistance than one might expect.

Dr. Herman Goldberg, then Associate Commissioner for Equal Educational Opportunity Programs, U.S. Office of Education, emphasized the idea that the states are the real potential change-agents for desegregation and noted the federal direction toward support for state leadership.

In this report state officials have directed their thinking to what is equitable and what is required for the provision of a good education. Such planning is required to address problems like disproportionate suspension rates for minorities, inappropriate placement in special education classes, tracking, reduced financial support for the schools, equal employment opportunity for minorities within the public education establishment and minority opportunity to participate on the public boards that oversee education.

State officials are realizing that they must build the capacity to address these issues with more vigor. The state equal educational opportunity directors who met in Denver laid the framework for growth in three areas: the state role, the state education agency's role and improving state/federal relations. This report is presented as a working draft. Others must add their ideas to improve the framework for state leadership that will guarantee that poor and minority group children have access to the full benefits of the educational goods and services to which all children are entitled.

I wish to thank Dr. Fred Holmes of the Colorado State Department of Education for his assistance and cooperation as co-sponsor, the participants for their contributions and my staff for their work in planning and conducting this meeting.

Ben Williams
Director
National Project and Task Force
on Desegregation Strategies

## THE STATE ROLE IN DESEGREGATION

The state has primary responsibility for public education. This includes the obligation to assure the rights of all students under the Constitution of the United States. An individual's right to an equal educational opportunity regardless of race, sex, national origin or handicap does not stop at the borders of any state.

Beyond obligation, however, there is a need for the state to show a commitment to these rights in its statutes and regulations and to assure their protection through the financial and organizational support it provides. Some of the major elements for such a state commitment are:

1. Constitutional protection of equal rights in education.
2. Statutes which forbid discrimination and racial isolation in the public schools.
3. Funding for planning, technical assistance and implementation of measures to eliminate discrimination, racial isolation, and bias in curriculum, and to promote integrated education, staff integration and effective instruction.
4. State board of education policies which address equal educational opportunity and provide direction to the state agency to include equal opportunity objectives in all phases of operation.
5. Review of school construction, renovations, closings and redistricting decisions for impact upon racial isolation and access to equal educational opportunity.
6. An administrative unit, under the chief state school officer,

which has the responsibility to coordinate the implementation of equal opportunity objectives. In order for such a unit to be effective, the following should exist:

- adequate staffing to carry out specific state responsibilities of enforcement and financial assistance;
- a clear definition of relationships between the state agency charged with coordinating responsibility for equal rights and opportunities and other units of state government, including the following:
  - equal status with other major program areas;
  - specific authority, on behalf of the state board of education and the chief state school officer, in relation to school districts;
  - a clearly defined coordinating responsibility in relation to other state and federally funded desegregation agencies, including Desegregation Assistance Centers and Training Institutes.

7. Requirements of affirmative action plans from school districts and other entities receiving state or federal assistance.
8. Annual state plans and reports on desegregation and equal opportunity objectives and outcomes.
9. Adequate minority representation on state boards of education and within the state education agency.

At present, no state has implemented all of these elements for fostering educational equity, and the extent to which each of them is addressed varies from state to state. Consequently, it should be a priority for each state

legislature, state board of education, and chief state school officer to consider what methods can be employed to meet these equal opportunity/desegregation standards, to devise and implement strategies to overcome deficiencies, and, thereby, to assure the educational rights of all students.

To strengthen the efforts of all states toward this commitment, the National Project and Task Force on Desegregation Strategies will coordinate technical assistance and mutual support, and will provide information on a regular basis to state agency equal educational opportunity units on strategies for meeting the above standards.

IT SHOULD BE A PRIORITY FOR EACH STATE LEGISLATURE, STATE BOARD OF EDUCATION, AND CHIEF STATE SCHOOL OFFICER TO CONSIDER WHAT METHODS CAN BE EMPLOYED TO MEET THESE EQUAL OPPORTUNITY/DESEGREGATION STANDARDS, TO DEVISE AND IMPLEMENT STRATEGIES TO OVERCOME DEFICIENCIES, AND, THEREBY, TO ASSURE THE EDUCATIONAL RIGHTS OF ALL STUDENTS.

## THE STATE EDUCATION AGENCY'S ROLE IN DESEGREGATION

Because of its overall responsibility for education, the state education agency (SEA) is in a position to define desegregation to include the educational outcomes expected, and to adopt programs to effectively implement its goals and objectives. The first requirement for an effective desegregated school is a climate where diversity is respected, equitable treatment for all is assured and learning is enhanced.

Strategies should be developed within each SEA to foster effective desegregation and equal educational opportunity. The following should receive attention:

1. Preparation in multi-cultural, non-sexist and bilingual education required for state teacher certification.
2. Required desegregation in-service education.
3. Establishment of guidelines for a code of student rights and responsibilities.
4. Standards for bilingual-bicultural education.
5. Establishment of guidelines for non-biased assessment for special education placement.
6. Technical assistance to districts which addresses discipline and disruption in desegregating schools.
7. Development of strategies to assess student performance and to promote educational achievement in desegregated schools. Strategies might include the following:
   - SEA diagnostic assessment of all students in the area of reading and math (basic skills) at appropriate grade

levels, not for use as criteria for grade level advancement and graduation, but rather to insure effective instruction for all students in desegregating schools;

- SEA requirement that all students beyond the 10th grade be given specific courses relating to life-role competency;
- SEA incentive funding and support for effective desegregating targeted schools, and
- SEA sponsored studies on the impact of competency based testing on minority students.

8. Encouragement of programs of parental and community involvement for desegregated schools.

Finally, the SEA must, by policy and by example, set standards for affirmative action programs in employment for local school districts.

THE STATE EDUCATION AGENCY IS IN A POSITION TO DEFINE DESEGREGATION TO INCLUDE THE EDUCATIONAL OUTCOMES EXPECTED, AND TO ADOPT PROGRAMS TO EFFECTIVELY IMPLEMENT ITS GOALS AND OBJECTIVES.

THE STATE EDUCATION AGENCY MUST, BY POLICY AND BY EXAMPLE, SET STANDARDS FOR AFFIRMATIVE ACTION PROGRAMS IN EMPLOYMENT FOR LOCAL SCHOOL DISTRICTS.

## IMPROVING STATE/FEDERAL RELATIONS IN DESEGREGATION

State policy makers and administrators are primarily responsible for the implementation of desegregation and equal educational opportunity. However, progress in desegregation can and should be furthered by federal enforcement and assistance. Currently most governmental school desegregation activity is centered at the federal level, including Titles IV and VI of the Civil Rights Act of 1964, and Title VII the Emergency School Aid Act (ESAA) of the Elementary and Secondary Education Amendments. In almost every case the state role has been minimal, whether in fostering an understanding of the educational needs created by desegregation opportunities, funding decisions or in investigation and enforcement. Nevertheless, the historical reasons for the limited role of the states in desegregation have become less and less valid, and a new state/federal partnership is a pressing need.

A state/federal partnership should have two objectives:

1. To challenge, encourage and support a more active state role in the desegregation process, and
2. To increase the effectiveness of desegregation assistance programs in each state by placing them in the agency responsible for the coordination and governance of public education.

In order to develop more viable relationships, specific steps must be taken at both the state and federal levels. States must demonstrate the ability to coordinate and implement desegregation and equal opportunity as well as the commitment to doing so. The federal government should in turn

permit states which demonstrate both ability and commitment the opportunity to enforce federal desegregation programs within those states.

One specific mechanism which could lead to a more effective state/federal partnership would be for the state education agency to be given the opportunity to file a state plan with the Department of Health, Education and Welfare (HEW) which:

- demonstrates how school district compliance with federal laws would be monitored and enforced by the state, and how non-compliance cases would be referred to the Office of Civil Rights, after local and state negotiations, and,
- explains how the state entitlement funds under ESAA and other federal programs would be administered.

Upon HEW's approval of the state plan, the state agency would receive:

- funding or loaned OCR positions for compliance reviews in school districts;
- authority to negotiate with school districts to assure compliance with statutory desegregation/equal rights requirements;
- authority to grant and evaluate the use of ESAA and Title IV funds in the state in coordination with other state and federal programs of support to education which are administered by the state agency, and
- funding for administrative expenses in connection with these programs on the same basis as other federal programs administered by state agencies.

State agencies which do not file state plans and demonstrate commitment

to implementation should receive attention and special assistance from HEW.

The Office of Civil Rights should review and coordinate, on a quarterly basis, its monitoring and enforcement plans with those of each state education agency. Within each state, the education agency should assume responsibility for coordinating the plans of all units which provide training and technical assistance for implementing federal monitoring and enforcement plans. This includes the federally funded (Title IV) Desegregation Assistance Centers, Sex and National Origin Centers and Training Institutes, which should coordinate and review their activities with the state agency on a quarterly basis.

An anticipated outcome of efforts to improve state/federal relations in desegregation would be for the states to assume more responsibility for the implementation of desegregation and more effective supervision and coordination of federal assistance. Efficiencies could be expected to result from federal assistance being made available on a multi-year basis. A cooperative relationship would require the involvement of state personnel in the development of federal equal educational opportunity regulations.

To develop a better state/federal relationship requires improved communications between state educational agencies and the U.S. Office of Education. The new state planning grant provision of the Emergency School Aid Act of 1980 could provide the vehicle for beginning to involve state equal educational opportunity officials in a dialogue on the development of federal regulations and towards a more productive state/federal relationship.

THE HISTORICAL REASONS FOR THE LIMITED ROLE OF THE STATES IN DESEGREGATION HAVE BECOME LESS AND LESS VALID, AND A NEW STATE/FEDERAL PARTNERSHIP IS A PRESSING NEED.

STATES MUST DEMONSTRATE THE ABILITY TO COORDINATE AND IMPLEMENT DESEGREGATION AND EQUAL OPPORTUNITY AS WELL AS THE COMMITMENT TO DOING SO.

THE FEDERAL GOVERNMENT SHOULD IN TURN PERMIT STATES WHICH DEMONSTRATE BOTH ABILITY AND COMMITMENT THE OPPORTUNITY TO ENFORCE FEDERAL DESEGREGATION PROGRAMS WITHIN THOSE STATES.

## LIST OF ATTENDEES

State Equal Educational Opportunity Directors' Meeting
September 7-8, 1978
Education Commission of the States
1860 Lincoln Street
Denver, Colorado

### ALABAMA

Dr. B.D. Baxley
Coordinator
Office of Technical Assistance
State Office Building, #549
501 Dexter Avenue
Montgomery, Alabama 36104

### CALIFORNIA

Dr. A. Reuben Burton
Office of Intergroup Relations
State Department of Education
721 Capitol Mall, Rm. 624
Sacramento, California 95814

### COLORADO

Dr. Homer Elseroad
Director, Elementary and Secondary Education
Education Commission of the States
1860 Lincoln Street, Suite 300
Denver, Colorado 80295

Dr. Calvin Frazier
Commissioner of Education
State Department of Education
201 E. Colfax Avenue
Denver, Colorado 80203

Dr. Fred Holmes
Director, Community Services
Department of Education
201 E. Colfax Avenue
Denver, Colorado 80203

### CONNECTICUT

Ms. Cathy Robinson
State Department of Education
Division of Instructional Services
P.O. Box 2219
Hartford, Connecticut 06103

### FLORIDA

Mr. Dan Cunningham
Human Resource Services Section
State Department of Education
302 Winchester Building
Tallahassee, Florida 32304

Mr. Art Jones
State Department of Education
Human Resource Services Section
302 Winchester Building
Tallahassee, Florida 32304

### GEORGIA

Mr. Peyton Williams, Jr.
Associate State Superintendent
State Department of Education
Office of State Schools and Special Services
231 State Office Building
Atlanta, Georgia 30303

### INDIANA

Dr. Ronald Boyd
Associate State Superintendent
Department of Public Instruction
State House, Room 229
Indianapolis, Indiana 46204

Mr. Dallas Daniels, Director
EEO Programs
Department of Public Instruction
State House
Indianapolis, Indiana 46204

### IOWA

Mr. George F. Garcia, Chief
Urban Education Section
Dept. of Public Instruction
Grimes State Office Building
Des Moines, Iowa 50139

KENTUCKY

Ms. June Ridley, Director
Division of EEO Programs
State Department of Education
Capital Plaza Towers Mero Street
Frankfort, Kentucky 40601

MARYLAND

Mr. Woodrow B. Grant, Jr.
Director, Office of EEO
State Department of Education
P.O. Box 8717, BWI Airport
Baltimore, Maryland 21240

MASSACHUSETTS

Mr. Michael Alves
Director, Title IV
State Department of Education
31 Saint James Avenue
Boston, Massachusetts 02116

Mr. Charles Glenn
Director, Bureau of EEO
State Department of Education
31 Saint James Avenue
Boston, Massachusetts 02116

MICHIGAN

Dr. John Dobbs, Director
EEO Programs
Department of Education
P.O. Box 30008
Lansing, Michigan 48902

Dr. Anna Marie Hayes
College of Education
Wayne State University
Room 233
Detroit, Michigan 48202

Mr. Al Hurwitz
Office of EEO Programs
Department of Education
P.O. Box 30008
Lansing, Michigan 48902

MINNESOTA

Mr. Archie Holmes
Director, EEO Programs
Department of Education
550 Cedar Street
St. Paul, Minnesota 55101

MISSISSIPPI

Mr. John Ethridge, Director
EEO Programs
State Department of Education
P.O. Box 771
Jackson, Mississippi 39204

MISSOURI

Mr. John R. Rencher, Director
Technical Assistance Unit
Department of Elementary and
Secondary Education
P.O. Box 480
Jefferson City, Missouri 65102

MONTANA

Mr. Daniel Decker, Director
Equal Learning Opportunities
Department of Public Instruction
1300 11th Avenue
Helena, Montana 59601

NEBRASKA

Ms. Phyllis Leevers
EEO Consultant
Department of Education
301 Centennial Mall South, 6th Floor
Lincoln, Nebraska 68509

Mr. Dickson Mungazi
EEO Consultant
Department of Education
301 Centennial Mall South, 6th Floor
Lincoln, Nebraska 68509

Mr. Jesse Payne, Director
EEO Programs
Department of Education
301 Centennial Mall South, 6th Floor
Lincoln, Nebraska 68509

NEVADA

Mr. David Rivers
State Department of Education
State Mail Room
215 Bonanza Road
Las Vegas, Nevada 89158

NEW JERSEY

Ms. Nida Thomas, Director
EEO Programs
State Education Department
225 West State Street
Trenton, New Jersey 08608

NEW YORK

Dr. Morton J. Sobel
Division of Intercultural Relations
State Department of Education
Cultural Education Center
Albany, New York 12234

NORTH CAROLINA

Mr. D. Lee Grier
Division of Human Relations
State Dept. of Public Instruction
137 Education Building
Raleigh, North Carolina 27611

NORTH DAKOTA

Ms. Lauren Anderson
Director of Project Equal
North Dakota State University
Fargo, North Dakota 58102

Mr. Gene McCowan, Director
EEO Programs
Department of Public Instruction
State Capitol Building
Bismarck, North Dakota 58501

OHIO

Dr. Robert Greer, Director
EEO Programs
Department of Education
65 South Front Street
Suite 1015
Columbus, Ohio 43215

OKLAHOMA

Mr. Van Wright
Human Relations Section
Department of Education
2500 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105

OREGON

Mr. Jerry Fuller, Director
Compensatory Education
State Department of Education
942 Lancaster Drive, N.E.
Salem, Oregon 97301

RHODE ISLAND

Mr. Frank R. Walker, III
State Department of Education
EEO Office, 199 Promenade Street
Providence, Rhode Island 02904

SOUTH DAKOTA

Ms. Ann Floden, Director
EEO Programs
Division of Elementary and Secondary Education
Kniet Building
Pierre, South Dakota 57501

TENNESSEE

Mr. Troy Jones, Director
EEO Programs
State Department of Education
116 Cordell Hull Building
Nashville, Tennessee 37219

TEXAS

Mr. Gilbert Conoley
Texas Education Agency
Office of Technical Assistance
201 East 11th Street
Austin, Texas 78701

UTAH

Mr. George Campbell
Director, Title IV
State Board of Education
250 East, 500 South
Salt Lake City, Utah 84111

VIRGINIA

Mr. V. Wendell Hylton
Special Assistant for Technical Assistance
Department of Education
9th Street Office Building
P.O. Box 6Q
Richmond, Virginia 23216

WASHINGTON

Mr. Warren Burton
Office of Intercultural Education
Equal Educational Opportunities
Old Capitol Building
Olympia, Washington 98504

WEST VIRGINIA

Ms. Margaret Ann Mills
Office of EEO
1900 East Washington Street
B-252
Charleston, West Virginia 29305

WISCONSIN

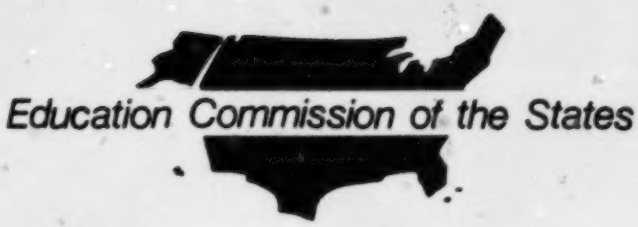
Mr. John Strother
Department of Public Instruction
EEO Unit
126 Langdon Street
Madison, Wisconsin 53702

---

Mr. Andrew Burness
Assistant to Congressman Richardson Preyer
2344 Rayburn House Office Building
Washington, D.C. 20515

Dr. Herman Goldberg
Associate Commissioner for Equal Educational Opportunity Programs
Office of Education
FOB-6, Room 2001
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Mr. Elton W. Ridge, Director
DTA-EEOP
Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

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